

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO ALL
ACTIONS

MDL NO. 1456
Civil Action No. 01-12257-PBS

Hon. Patti B. Saris

**STIPULATION AND [PROPOSED] ORDER CONCERNING PROPOSED CLASS 1
REPRESENTATIVE, MRS. JIMMIE OUSTAD**

WHEREAS, on June 9, 2010, plaintiffs moved to add Mrs. Jimmie Austed [sic] as
a Class 1 representative for the J&J Defendants, and

WHEREAS, plaintiffs are in the process of gathering Mrs. Oustad's medical
records for production to the J&J Defendants, and

WHEREAS, by electronic order dated July 12, 2010, the court directed plaintiffs
to produce Mrs. Oustad's medical records "forthwith," and directed that any motion challenging
Mrs. Oustad's adequacy to be filed by July 21, 2010, and

WHEREAS, at the July 12, 2010 hearing on the J&J Defendants' motions for
summary judgment, the Court indicated that, notwithstanding the foregoing electronic order, the
J&J Defendants should be given sufficient time to review Mrs. Oustad's medical records before
taking a position on whether or not she can adequately represent the interests of Class 1, and

WHEREAS, on July 12, 2010 plaintiffs issued a subpoena to Mrs. Oustad's health
insurer, United Healthcare Insurance Company, calling for production of Mrs. Oustad's medical
records by August 9, 2010,

NOW, THEREFORE, IT IS STIPULATED AND ORDERED AS FOLLOWS:

1. Counsel for plaintiffs shall produce to counsel for the J&J Defendants all
records concerning Mrs. Oustad's adequacy as a Class 1 representative, including her medical

records, upon receipt of said records. Although counsel for plaintiffs shall not withhold any medical or payment records they obtain from Mrs. Oustad or others, if and when counsel for plaintiffs conclude that the records they have already produced are sufficient to establish that Mrs. Oustad may adequately represent Class 1 and is a member of Class 1, they shall so advise counsel for the J&J Defendants and they shall identify the documents they believe establish that Mrs. Oustad may adequately represent Class 1 and is a member of Class 1.

2. Counsel for the J&J Defendants shall file and serve any motion challenging Mrs. Oustad's adequacy within 21 days of receipt plaintiffs' notice of their belief that they have produced documents sufficient to establish that Mrs. Oustad may adequately represent Class 1 and is a member of Class 1; and

3. Plaintiffs shall file any opposition within 14 days of service of any such challenge; and

4. Notwithstanding the foregoing, the J&J Defendants may challenge Mrs. Oustad's adequacy at any time on any reasonable grounds, including, without limitation, the receipt of additional medical or payment records; and

5. The parties shall treat Mrs. Oustad's medical and payment records as "Highly Confidential" under the Protective Order.

Stipulated and Agreed:

Dated: July 21, 2010

/s/ Andrew D. Schau

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Dated: July 21, 2010

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Attorneys for Plaintiffs

So Ordered:

Patti B. Saris, J.

July ____, 2010

CERTIFICATE OF SERVICE

I certify that on July 21, 2010 I caused a true and correct copy of the foregoing to be delivered via electronic service to all counsel of record pursuant to Case Management Order No. 2.

/s/ Jennifer Fountain Connolly
Jennifer Fountain Connolly